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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANTHONY AQUILA,

Plaintiff and

v.

UNITED STATES OF AMERICA,

Defendant

No. C-04-0443-JSW (JCS)

**APPLICATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE AND ORDER**

This case is set for a Case Management Conference on May 7, 2004. The Complaint was filed February 8, 2004 and the government's answer is due May 3, 2004. The case involves the assessment of so-called 100% penalty taxes for the failure of a corporation to pay over employment taxes due the government. The government intends to file a counterclaim against another person who was assessed the same penalty taxes. The law provides that more than one person can be liable for the same taxes but the government can only collect once. Accordingly, we request the Court to continue the Case Management Conference for 60 days to allow the government an opportunity to serve the counterclaim on the additional defendant so that all parties can participate in the first Case Management Conference. Plaintiff's counsel has no objection to this request.

Respectfully submitted,

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ORDER

Upon application of the United States the Case Management Conference is continued to July 9, 2004 at 1:30 p.m.

JOSEPH C. SPERO
United States Magistrate Judge